

RECEIVED + FILED

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI

2015 SEP -3 PM 2:24

In Re

RAYMOND EDWARD HOLMES, JR.

DEBTOR,

20 EAGLESWAY LANE, LLC,

MOVANT,

) CASE NO. 15-42549

)

) CHAPTER 13

)

)

) MOTION FOR

) CONTEMPT OF

) COURT AND UNLAWFUL

) FORECLOSURE

) Raymond Holmes

) 20 Eagle way ln

) Lake. St. Louis

) MO 63367

MOTION FOR CONTEMPT OF COURT AND UNLAWFUL FORECLOSURE

Comes now, Debtor, Raymond E. Holmes Jr. and for its Motion for Contempt of Court and Unlawful Foreclosure, Movant 20 Eagles way Lane LLC states as follow:

1 Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code in this Honorable Court on April 7, 2015 being Case No. 15-42549; John V. Lafarge Jr. P.O BOX 430908, St. Louis Mo. 63143, has been appointed Trustee of the estate of the above name Debtor; this court has jurisdiction over this proceeding pursuant to 28 U.S.C. Section 1334 and 11 U.S.C. Section 362, and Bankruptcy Rules 4001(a) and 9014.

2. Movant, 20 Eagles way Lane LLC Foreclosed on property APRIL 10, 2015.

3. April 13 2015 Movant, 20 Eagles way Lane LLC recorded a new warranty deed.

In ST. Charles County (book 6337 and page 720)

4. On or about June 30 Movant, 20 Eagles way Lane LLC, filed a Unlawful detainer

In the Judicial Circuit court, St.Charles County, MO.

5. Movant 20 Eagles Way Lane LLC appeared in person and by its attorney, Christopher W. Basler in the Eleventh Judicial Circuit, State of Missouri Associate Civil Division for trial.

6. Movant, 20 Eagles Way Lane LLC. Received a \$21,000.00 judgment and immediate possession of property known as 20 EAGLES WAY LANE LAKE ST.LOUIS MO 63367, \$4,200 until Debtor gives possession to Movant.

Accordingly, Debtor is in need of and entitled to protection pursuant to Section 362 in order to protect its interest in property. Absent such an order, Debtor interest in the property will be irreparable injured and harmed.

WHEREFORE, Debtor, Raymond Holmes, moves that the stay afforded by U.S.C Section 362 prevent Movant, 20 Eagles way Lane LLC, from unlawful foreclosure and Contempt of Court, under BANKRUPTCY. STATUTES; Debtor ask the court for Clear and Quit Title, court cost of \$130 and judgment in the amount of \$21,000.00 also a \$4,200 fine from April 13, 2015 until the date of the court hearing.



RAYMON HOLMES
20 EAGLE WAY LN
LAKE ST.LOUIS MO. 63367
314-240-8108

United States Bankruptcy Court
Eastern District of Missouri

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 04/07/2015 at 12:33 PM and filed on 04/07/2015.

Raymond Edward Holmes, Jr.
20 Eagles Way LN.
St Charles, MO 63367
SSN / ITIN: xxx-xx-9238



The bankruptcy trustee is:

John V. LaBarge, Jr
Chapter 13 Trustee
P.O. Box 430908
St. Louis, MO 63143
(314) 781-8100

The case was assigned case number 15-42549 to Judge Kathy A. Surratt-States.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://www.moeb.uscourts.gov/> or at the Clerk's Office, 111 South Tenth Street, Fourth Floor, St. Louis, MO 63102.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Dana C. McWay
Clerk, U.S. Bankruptcy

**20150413000220320 TRS D
Bk:DE6337 Pg:720
04/13/2015 02:53:57 PM 1/6
\$36.00
CERTIFIED-FILED FOR RECORD
Barbara J. Hall
Recorder of Deeds
St. Charles County, Missouri
BY:KAUERSWALD**

(Space above line reserved for Recording Data)

Title of Document: Trustee's Deed

Date of Document: April 10, 2015

Grantor: Davis, Kahn & Travaglini, Inc

Grantor's Address: 1420 Strassner Drive, St Louis MO 63144

Grantee: 20 Eagles Way Lane LLC

Grantee's Address: 1 Point West Blvd St Charles MO 63301

Lot 42 of Raven's Pointe, Plat 3, a subdivision in St. Charles County, Missouri, according to the plat thereof recorded in Plat Book 29 Page 181 of the St. Charles County Records.

Document Book DE5395 Page 572

Address: 20 Eagles Way Lane, Lake St Louis MO 63367

This space is reserved for recording information:

TRUSTEE'S DEED

WHEREAS *Raymond Holmes and Rashondra Holmes, husband and wife, 20 Eagles Way Lane, Lake St Louis MO 63367* by their Deed of Trust dated June 1, 2010, recorded in Book DE5395 Page 572 conveyed to Joan Wagner, as trustee, the property therein and hereinafter described, IN TRUST, to secure for 20 Eagles Way Lane LLC, 1 Point West Blvd, St Charles MO 63301, the payment of the indebtedness also therein described; and

WHEREAS, at the request of the owner and holder of said indebtedness and because of default in the payment thereof, the undersigned Successor Trustee, Davis, Kahn & Travaglini, Inc, 1420 Strassner Drive, St. Louis MO 63144 did on Friday, April 10, 2015, having previously given the notice required by law and said Deed of Trust, as evidenced by copy of said notice with the affidavit of the publisher of the newspaper proving its publication hereto annexed and made a part hereof, at the place and on the day and date stated in said notice, between the hours of 9:00 a.m. and 5:00 p.m., of said day, sell at public venue to the highest bidder for cash the property hereinafter described.

NOW THEREFORE, the undersigned Successor Trustee, in consideration of the sum of ***Two Hundred Forty Thousand Dollars and Zero Cents (\$240,000.00)***, being the amount bid by the highest bidder as aforesaid, does hereby, BARGAIN, SELL AND CONVEY UNTO grantee, 20 Eagles Way Lane LLC, 1 Point West Blvd, St Charles MO 63301 the property so sold situated in the County of St. Charles, Missouri, described as follows:

Lot 42 of Raven's Pointe, Plat 3, a subdivision in St. Charles County, Missouri, according to the plat thereof recorded in Plat Book 29 Page 181 of the St. Charles County Records..

TO HAVE AND TO HOLD the same unto said grantee and assigns forever.

The undersigned Successor Trustee, warrants and certifies that as required by Section 443.325 R.S. Mo., pertaining to notices of sale under power of sale, a writing in words and figures identical to the notice of sale attached to the publisher's affidavit affixed hereto and placed in an envelope and deposited in the United States Mail on **March 18, 2015**, being not less than twenty (20) days prior to the scheduled date of sale, certified, marked "Return Receipt Requested" with postage prepaid, to the following at the addresses shown, same having been supplied by the note holder.

1. Owners as of 40 days prior to sale date:

Raymond Holmes, 20 Eagles Way Lane, Lake St Louis MO 63367
Rashondra Holmes, 12300 Natural Bridge Road, Bridgeton MO 63044

2. Mortgagors and Grantors named in Deed of Trust:

Same

3. Persons requesting notice of sale:

None

4. Others:

None

Receipts for said mail are attached hereto.

Affiant states that to the best of her knowledge and belief that no owner has given notice of intention to redeem said property, no owner has filed bankruptcy, and no owners are members of the Armed Services of the United States of America.

IN WITNESS WHEREOF, Davis, Kahn & Travaglini, Inc Successor Trustee by and through

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Bk:DE6337 Pg:723

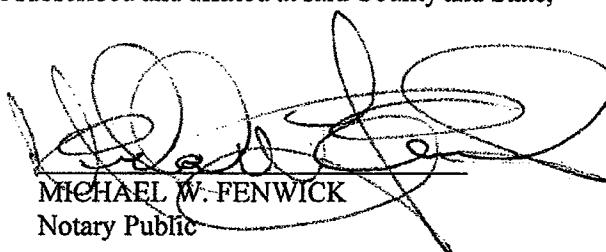
Katharyn B. Davis, President has executed these presents this *10th day of April 2015*.

DAVIS, KAHN & TRAVAGLINI, INC
SUCCESSOR TRUSTEE
By: _____
KATHARYN B. DAVIS
PRESIDENT

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

On this *10th day of April, 2015*, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Katharyn B. Davis, who being by me duly sworn did say that she is President of Davis, Kahn & Travaglini, Inc, and that said instrument was signed and sealed on behalf of said corporation by the authority of its Board of Directors and said Katharyn B. Davis acknowledged said instrument to be the free act and deed of said corporation as Successor Trustee.

Witness my hand and Notarial Seal subscribed and affixed at said County and State, the day and year in this certificate above written.



MICHAEL W. FENWICK
Notary Public

My Commission Expires:

MICHAEL W. FENWICK
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis City
My Commission Expires: March 17, 2017
Commission Number: 13406135

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY
ASSOCIATE JUDGE DIVISION
STATE OF MISSOURI

EAGLES WAY LANE, LLC,)
Plaintiff,) Cause No.
vs.) Division No.: 10F
RAYMOND HOLMES,)
&)
RASHONDRA HOLMES,)
Defendants.)

Serve at:

20 Eagles Way Lane, Lake St. Louis, MO 63367

FIRST AMENDED COMPLAINT IN UNLAWFUL DETAINER

Comes now Affiant, Christopher W. Basler, and being duly sworn upon his oath, states that he is the agent for Eagles Way Lane, LLC, and for Plaintiff's cause of action herein states as follows:

1. Plaintiff, Eagles Way Lane, LLC, is a limited liability company duly organized under the laws of the State of Missouri and doing business in St. Charles County.
2. Plaintiff was entitled to possession of the premises known as 20 Eagles Way Lane, Lake St. Louis, MO 63367, on or about April 10, 2015.
3. Defendants, willfully and without force are holding over possession of 20 Eagles Way Lane, Lake St. Louis, MO 63367, after demand was made, in writing, for the delivery of the possession thereof.
4. The monthly rental value of said premises is \$2,100.00.

5. To the best of Plaintiff's knowledge, information and belief, Defendants are not engaged in the military services of the United States of America.

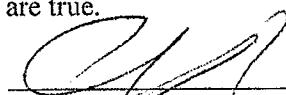
WHEREFORE, Plaintiff, Eagles Way Lane, LLC, prays for judgment against Defendants, Raymond Holmes and Rashondra Holmes, for possession of the premises known as 20 Eagles Way Lane, Lake St. Louis, MO 63367, for double the sum of \$2,100.00 for the monthly rental value of said premises from April 10, 2015 until possession is rendered, for double the sum of any damages incurred by Plaintiff due to Defendants' holding over, and for costs of court.



CHRISTOPHER W. BASLER, #62745
ATTORNEY FOR PLAINTIFF
KATHARYN B. DAVIS, LLC
1420 Strassner Drive
St. Louis, MO 63144
PH: 314-962-1115
FX: 314-968-5030

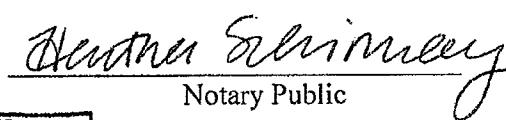
STATE OF MISSOURI)
)
) SS
COUNTY of ST. LOUIS)

Christopher W. Basler, Attorney for Plaintiff herein, and duly authorized to make this oath, being duly sworn, deposes and states to the best of his knowledge, information and belief, the facts set forth in the foregoing affidavit and petition are true.



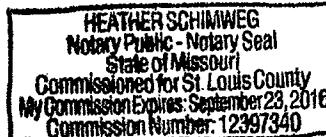
CHRISTOPHER W. BASLER, #62745

Subscribed and sworn to before me, a Notary Public, this 30th day of June, 2015.



Heather Schimmeck
Notary Public

My commission expires:



FILED

AUG 14 2015

STATE OF MISSOURI)
)
) SS.
COUNTY OF ST. CHARLES)

JUDY ZERR
CIRCUIT CLERK
ST. CHARLES CO.

IN THE ELEVENTH JUDICIAL CIRCUIT, STATE OF MISSOURI
ASSOCIATE CIVIL DIVISION

EAGLES WAY LANE, L.L.C.,)
 Plaintiff,)
)
vs.) Cause No. 1511-AC03606
) Division No. 10-F
RAYMOND HOLMES,)
 Defendant.)

JUDGMENT

On the 14th day of August 2015, Plaintiff Eagles Way Lane, L.L.C. appeared in person and by its attorney, Christopher W. Basler. Defendant Raymond Holmes, appeared in person pro se. This cause coming on regularly to be heard and being called, Plaintiff announced ready for trial, whereupon the parties submitted the cause to the Court upon the pleadings and proof, and the Court, after hearing the evidence, took the matter under advisement. Having considered all of the evidence, the Court now finds, orders, adjudges, and decrees as follows:

1. On April 10, 2015, Plaintiff purchased at foreclosure the premises known and numbered as 20 Eagles Way Lane, Lake Saint Louis, MO 63367. This purchase established Plaintiff's right to pursue an action for unlawful detainer to recover possession of the premises. §534.030, RSMo.

2. Since foreclosure, Defendant has remained in possession of the premises purchased by Plaintiff. The fair market monthly rental value of the property is \$2,100.00.

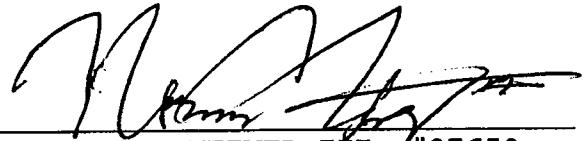
WHEREFORE IT IS ORDERED, ADJUDGED AND DECREED that

1. Plaintiff have immediate possession of the property known and numbered as 20 Eagles Way Lane, Lake Saint Louis, MO 63367 and that Plaintiff have judgment against Defendant Raymond Holmes for the sum of \$21,000.00 in double unpaid rent. Plaintiff shall have additional judgment against Defendant for \$4,200.00 for every additional month Defendant continues to hold over the premises.

2. Court costs of \$130.00 are taxed to Defendant.

SO ORDERED:

Dated: 8/14/15


NORMAN C. STEIMEL III, #27650
Associate Circuit Judge, Div. 10
St. Charles County, Missouri